IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 6576 of 2006()

CRIME NO.473/2006 OF PATHANAPURAM POLICE STATION.

PETITIONERS:

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1. JOSY JACOB, S/O. JACOB,
   AGED 32 YEARS, KIZHAKKADATHU VILAYIL,
   NADUTHERI, THALAVOOR P.O.,
   PATHANAPURAM TALUK.

2. ALPHONSAMMA JACOB, MANIMURIYIL VEEDU,
   KOTTAMURI P.O., CHANGANACHERRY.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.R.SURAJ KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   PATHANAPURAM.

3. THE DISTRICT SUPERINTENDENT OF POLICE,
   KOLLAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

B.A.No.6576 of 2006

Dated this the 6th December, 2006.

O R D E R

Petitioners are before this Court under Section 438 Cr.P.C., as they are accused of the offence punishable under Sections 498A, 420 and few other offence, read with Section 34 IPC.

2. The first petitioner is the husband of the de facto complainant, the second petitioner, being the mother of first petitioner. Counsel submits that O.S.No.633/2006 is pending before the Additional Family Court, Kottarakkara, preferred by the de facto complainant, for the realisation of the amount due from the first petitioner. The Original Petition preferred by the first petitioner for divorce against the de facto complainant as O.P.(IDA) No.615/2003, on the file of the Family Court, Kollam, had been decreed ex parte granting divorce to the first petitioner.

3. I heard both sides. I also gave opportunities to the parties to conciliate and settle the matter among themselves. But there is no co-operation from the de facto complainant.

4. When the matter came up for consideration, the Sub Inspector of Police, Pathanapuram, reported that he had served the notice to the de facto complainant. However, she was not present before the Court,

when the matter was repeatedly posted. Counsel for the petitioners, and the learned Public Prosecutor, Sri.P.N.Sukumaran, were present on all posting dates.

5. After considering the facts that are thus placed before me, I dispose of this application, directing the Sub Inspector of Police, Pathanapuram, or any one else in connection with Crime No.473/2006 of Pathanapuram Police Station, to release the petitioners on bail, in the event of their arrest in connection with the above crime, on each one of them executing a bond for Rs.15,000/= (Rupees Fifteen Thousand only), with two solvent sureties, each for the like sum, to the satisfaction of the police officer arresting them.

6. If the Investigating Officer, in the above crime, requires the presence of any of the petitioners, the Investigating Officer shall issue notice to the petitioners, in which event, they shall appear before the Investigating Officer as per the said notice.

J.M. JAMES,
JUDGE

nj.